

(1) MSHA's Analytical Method P-7: Infrared Determination of Quartz in Respirable Coal Mine Dust; or

(2) any method approved by MSHA as providing a measurement of quartz equivalent to that measured by Analytical Method P-7.

Respirable dust. Dust collected with an approved sampling device.

Secretary. The Secretary of Labor or delegate.

Valid sample. A respirable dust sample collected and submitted as required by this part, and not voided by MSHA.

Verification limits. 2.0 mg/m³ of respirable coal mine dust and 100 µg/m³ of respirable quartz dust, each expressed as an equivalent concentration.

Verification production level (VPL). The tenth highest production level recorded in the most recent 30 production shifts; or, if fewer than 30 shifts of production data are available, the minimum production level attained on any shift used to verify the adequacy of the dust control parameters.

Working face. Any place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during the mining cycle.

3. Subpart B is revised to read as follows:

Subpart B—Dust Standards

Sec.

70.100 Respirable dust standards when quartz is not present.

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(a) Each operator must continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of each mine is exposed at or below 2.0 milligrams per cubic meter of air (mg/m³) as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 70.2.

(b) Each operator must continuously maintain the average concentration of respirable dust within 200 feet outby the working faces of each section in the intake airways at or below 1.0 mg/m³ as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 70.2.

§ 70.101 Respirable dust standard when quartz is present.

When the respirable dust contains more than five percent quartz, as determined by the average of the most

recent three MSHA samples, the operator must continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift in the active workings of each mine, as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 70.2, at or below the applicable dust standard. The applicable dust standard is determined by dividing the average quartz percentage into the number 10.

Example: Assume a MMU or a DA is on a 2.0-mg/m³ dust standard (5% or less). If the first MSHA sample contains 7.2% of quartz, and the required two subsequent samples contained 9.5% and 10.6%, respectively, the average quartz percentage would be 9.1% [(7.2% + 9.5% + 10.6%)/3 = 9.1%]. Therefore, the equivalent concentration of respirable dust in the mine atmosphere associated with that MMU or DA must, on each shift, be maintained at or below 1.1 mg/m³ [10/9.1% = 1.1 mg/m³].

4. Subpart C is revised to read as follows:

Subpart C—Sampling Procedures

Sec.

70.201 Sampling; general and technical requirements.

70.202 Approved sampling devices; maintenance and calibration.

70.203 Approved sampling devices; operation; air flowrate.

70.204 Demonstrating the adequacy of the dust control parameters specified in a mine ventilation plan; verification sampling.

70.205 Verification sampling; when required; time for completing.

70.206 Verification sampling; procedures for sampling.

70.207 Approval of dust control parameters by district manager; revocation of approval.

70.208 Follow-up action when either verification limit is exceeded.

70.209 Use of supplementary control measures; types and conditions for use; request for approval.

70.210 Powered air-purifying respirators (PAPRs); requirements for approval.

70.211 Powered air-purifying respirators (PAPRs); approval and conditions for continued use; revocation of approval.

70.212 Powered air-purifying respirators (PAPRs); conditions of use under special circumstances.

70.213 Administrative controls; requirements for approval.

70.214 Administrative controls; approval and conditions for continued use; revocation of approval.

70.215 Quarterly evaluation of approved plan parameters.

70.216 Respirable dust samples; transmission by operator.

70.217 Respirable dust samples; report to operator; and posting.

70.218 Violation of respirable dust standard; issuance of citation; action

required by operator; and termination of citation.

70.219 Status change reports.

70.220 Personal continuous dust monitor (PCDM).

§ 70.201 Sampling; general and technical requirements.

(a) Each operator must conduct respirable dust sampling required by this part with an approved sampling device.

(b) Sampling must be performed by a certified person. To be certified, a person must pass the MSHA examination on sampling of respirable coal mine dust.

(c) Sampling devices must be worn or carried directly to and from the MMU to be sampled and must be operated in accordance with the requirements of this part.

(d) Except as provided in paragraph (h) of this section, one control filter must be used for each shift of sampling. Each control filter must have the same preweight date (noted on the dust data card) as the ones that are used for sampling; must remain plugged at all times; must be exposed to the same time, temperature, and handling conditions as the ones used for sampling; and must be kept with the exposed samples after sampling.

(e) Except as provided in paragraph (i) of this section, sampling must be conducted on a shift during which the amount of material produced by the MMU is at or above the verification production level (VPL), as defined in § 70.2, and using only the dust control parameters listed in the approved mine ventilation plan, at levels not exceeding 115 percent of the specified quantities.

(1) If the VPL is not achieved, the samples for that shift will be voided by MSHA. However, any sample, regardless of production, that exceeds either verification limit or applicable dust standard will be used to determine the equivalent concentration for that occupation.

(2) If the MMU being evaluated is authorized to use PAPRs under special circumstances (see § 70.212) and those circumstances prevent the operator from achieving the VPL, the sample(s) for that shift will be used to determine the equivalent concentration for the affected occupations.

(f) Each operator must provide affected miners and their representatives with an opportunity to observe respirable dust sampling required by this part and must give prior notice of the date and time of intended sampling to affected miners and their representatives. An operator is exempt from this requirement if using personal